

*IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION AT KNOXVILLE*

IN RE:

**TED CASTLEBERRY,
DONNA MAY CASTLEBERRY,**
Debtors.

**Case No. 3:16-32010-SHB
Chapter 7**

**TRUSTEE'S AMENDED APPLICATION TO EMPLOY COUNSEL FOR SPECIAL
PURPOSE RELATING BACK TO MAY 8, 2019**

NOTICE OF HEARING

Notice is hereby given that:

A hearing will be held on the Application to Employ Counsel on June 30th, 2022 at 9:00am, in Courtroom 1C, United States Bankruptcy Court, Howard H. Baker Jr. Courthouse, 800 Market Street Knoxville TN 37902.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you wish to have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend this hearing, the court may decide that you do not oppose the relief sought in the Application to Employ Counsel and may enter an order granting that relief.

Comes Ryan E. Jarrard, Trustee, pursuant to 11 U.S.C. §327(a) and (e), Fed. R. Bankr. P. 2014 and E.D. Tenn. LBR 9013-1(f), and moves the Court for authority to employ counsel as follows:

1. The Debtors filed a voluntary Chapter 7 on July 5, 2016, and Michael Fitzpatrick was appointed as Trustee of the estate and the case was fully administered and closed. On August 26, 2021 movant was appointed substitute Trustee of the estate and is now acting as Trustee in the Chapter 7 case.

2. The Trustee wishes to employ attorneys as counsel to pursue estate claims in regards to a pre-petition personal injury resulting from exposure to Roundup / Glyphosphate weed killer.

3. The Trustee seeks authorization to employ the Brady Law Group and the Shapiro Law Group, LLC. The said attorneys do not hold any interest adverse to the estate and are disinterested persons within the meaning of 11 U.S.C. §101(14). The attorneys represented the Debtor on the claim pre-petition on 40% of the gross recovery¹. The retention agreement for services between the attorneys and the debtor was executed on May 9, 2019 which is the basis for the Trustee seeking the relation back of the motion to hire.

4. The Trustee proposes to employ said attorneys on a contingency basis of 40% as reflected in Exhibit A (see attached), as part of counsel's affidavit, attached hereto and incorporated herein by reference, and such expenses as may be allowed by the Court in accordance of the standard promulgated by the U.S. Trustee's Office, with the total amount of the compensation and expenses to be fixed and determined by the Court upon proper application at the conclusion of the attorney's services.

5. The Trustee is entitled to employ an attorney, with Court approval, pursuant to 11 U.S.C. §327(a).

6. There is no application for a post-petition retainer. There are no actual or potential conflicts of interest. There are no other facts that would preclude retention of counsel.

WHEREFORE, the undersigned prays that he be authorized to employ the aforesaid attorneys under the terms and conditions set forth, relating back to May 8, 2019 as permitted by LR 2014-1.

Respectfully submitted,

/s/ Ryan E. Jarrard
Ryan E. Jarrard, Trustee
BPR No. 024525
QUIST, FITZPATRICK & JARRARD, PLLC
800 S. Gay Street, Suite 2121
Knoxville, TN 37929
(865) 524.1873 ext. 212

¹ The Trustee understands that the fee recovery is to be divided 95% to the Brady Law Group, and 5% to the Shapiro Law Group, LLC. At any rate, the total amount of attorney fees owed shall not exceed 40% of the total gross recovery based upon the referenced agreement.

rej@qcflaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Trustee's Amended Application to Employ Counsel, Affidavit of Professional Person and proposed Order have been served upon the indicated parties by placing a copy thereof in the U.S. Mail, first class postage prepaid, via email or ECF this June 2, 2022:

United States Trustee
Via ECF

All parties of interest on the attached list

/s/ Ryan E. Jarrard
ATTORNEY

